

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**BRIAN HUDGINS, on his own behalf  
and on behalf of those similarly  
situated,**

**CASE NO.: 1:16-CV-7331**

**Plaintiffs,**

**vs.**

**TOTAL QUALITY LOGISTICS, LLC,**

**Defendant.** /

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff, BRIAN HUDGINS, on behalf of himself and the Opt-in Plaintiffs who have joined and remain in this matter<sup>1</sup> (collectively "Plaintiffs"), pursuant to Federal Rule of Civil Procedure 56, hereby move for summary judgment and will show the following:

1. No genuine issues of material fact remain in this case.
2. The undisputed facts show that Plaintiffs were misclassified as exempt under the FLSA and are eligible for overtime compensation.
3. Specifically, the undisputed facts show that the Plaintiffs' primary duty involved sales and therefore they are not administratively exempt.

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<sup>1</sup> See D.E.'s: 3-1, 3-2, 3-5, 3-8, 3-10, 5, 18, 25, 40, 41, 58-1, 58-2, 58-3, 58-7, 59-2, 59-3, 59-5, 59-6, 62-2, 62-3, 62-4, 62-5, 63-2, 63-3, 62-4, 62-5, 62-6, 64-1, 64-2, 64-4, 64-6, 64-7, 65-1, 65-2, 65-3, 65-4, 66-4, 66-5, 66-7, 66-8, 66-9, 66-10, 67-1, 67-6, 67-7, 68-1, 68-2, 68-7, 68-8, 68-10, 69, 71, 72-1, 72-4, 72-5, 72-6, 73-1, 73-2, 73-674-1, 74-3, 79, 80-1, 80-2, 83-1, 83-2, 83-3, 83-6, 85-1, 85-3, 88-1, 88-3, 88-4, 88-5, 88-8, 88-9, 89-1, 89-2, 89-3, 89-5, 89-6, 89-7, 90-1, 90-2, 90-3, 92, 93-2, 93-4, 95-1, 95-2, 95-3, 95-4, 95-5, 95-6, 95-7, 95-11, 96, 99-3, 99-4, 99-5, 100-2, 100-5, 104-1, 104-3, 105-1, 106-2, 106-3, 106-4, 107-1, 107-3, 109-1, 109-2, 109-3, 118, 119, 121-1, 121-2, 121-3 and 122.

The facts and law presented to this Court in the attached memorandum of law and statement of materials facts shows that no material fact disputes exist regarding these issues and that summary judgment is appropriate in Plaintiffs' favor.

According to Local Rule 56.1, Plaintiffs have attached their memorandum of law and statement of material facts in support of this Motion.

Respectfully submitted this 14th day of September, 2018.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing has been furnished to the Clerk of the Court using the CM/ECF System which I understand will send electronic notice to all counsel of record, this 14<sup>th</sup> day of September, 2018.

/s/ Kimberly De Arcangelis  
Kimberly De Arcangelis, Esquire